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09/508,692	03/29/2000	JEAN-BAPTISTE ALBERTINI	0846-0544-2-	2693

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 03/27/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/508,692	Applicant(s) Albertine et al.	
	Examiner Lincoln Donovan	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Feb 11, 2002

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 20-29 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 20-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	20) <input type="checkbox"/> Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, lines 2-3, applicant should clarify what is intended by “the magnetic layer ‘guiding’ a magnetic field.” Applicant has not provided any specific structure to “guide” the magnetic field. In line 2, applicant should clarify what is intended by the magnetic layer being “interrupted.” Claims 21-23 inherit the defects of the parent claim.

Regarding claim 24, lines 1-2, applicant should clarify what is intended by the “magnetic layer ‘guiding’ a magnetic field.” Applicant has not provided any specific structure to “guide” the magnetic field. In line 2, applicant should clarify what is intended by the magnetic layer being “interrupted.” Claims 25-27 inherit the defects of the parent claim.

Regarding claim 28, lines 1-2, applicant should clarify what is intended by the “magnetic layer ‘guiding’ a magnetic field.” Applicant has not provided any specific structure to “guide” the magnetic field. In line 2, applicant should clarify what is intended by the magnetic layer being “cut.”

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Regarding claim 29, lines 1-2, applicant should clarify what is intended by “a rounded rear portion” and “side magnetic branches.” In line 2, applicant should clarify what is intended by the “magnetic layer ‘channeling’ a magnetic field.” Applicant should specify what is intended by “a certain direction.” In line 3, applicant should clarify what is intended by the magnetic layer being “cut.”

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-29, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 3-238804 in view of EPO 0308334.

Japan 3-238804 discloses a magnetic circuit [figure 1b] comprising:

- a single magnetic layer [1] “guiding” a magnetic field along a “given direction;”
- an semi-insulating layer [2] supporting the magnetic layer; and
- evenly spaced walls on the semi-insulating layer extending perpendicular to the “given direction” of the magnetic field [figure 1b].

Japan 3-238804 disclose the instant claimed invention except for: the semi-insulating layer being insulative.

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EPO 0308334 discloses an insulating layer [6] supporting a plurality of magnetic layers [8].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use insulative material for the semi-insulating layer of Japan 3-238804 for the purpose of controlling the magnetic field.

Regarding claims 26 and 28-29, the particular shape and number of layers would have been an obvious design consideration based on the intended application of the device.

Response to Arguments

5. Applicant's arguments filed 02-11-02 have been fully considered but they are not persuasive.

Applicant argues:

- [1]: JP 403-238804 does not disclose a magnetic layer as claimed;
- [2]: the magnetic field of JP 403-238804 is not guided by the wiring 1 of JP 403-238804;
- [3]: the substrate 2 of JP 403-238804 does not support a magnetic layer.

Examiner disagrees:

Regarding [1] JP 403-238804 discloses a magnetic layer [1] as claimed. Applicant has not claimed any specific structure other than a layer to "guide" a magnetic field.

Regarding [2]: The magnetic layer 1 of JP 403-238804 carries the current producing the magnetic field. The field would be "guided" through this layer.

Regarding [3]: JP 403-238804 discloses a substrate [2] supporting the magnetic layer.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

LDL
March 23, 2002


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100